

Practitioner's Docket No.: 789_070 CON2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Toshikazu HIROTA and Takao OHNISHI

Ser. No.: 10/757,264

Group Art Unit: 1634

Filed: January 14, 2004

Examiner: Betty J. Forman

Confirmation No.: 4900

For: BIOCHIP

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION OF EFS
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I hereby certify that this paper is being transmitted
via EFS to the Patent and Trademark Office on
March 12, 2008

Tara L. Preston
Tara L. Preston

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Sir:

Your petitioner, NGK Insulators, Ltd., residing at 2-56, Suda-cho, Mizuho-ku, Nagoya-city, Aichi-prefecture, 467-8530, Japan, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/757,264, filed January 14, 2004. Except as provided below, petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,753,144, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,753,144, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assign.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any

terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned is an attorney of record.

FEE STATUS
(37 C.F.R. § 1.20(d))

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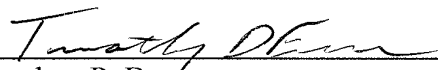
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Respectfully submitted,

March 12, 2008

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